

Issue of “Living Wills” By Carlos Garcia, M.D. and Lic. Sergio Macias

The main point of information presented at the LCS July 8, 2005 lecture is that, technically, there is no such thing as a living will under Mexican law. (In the U.S., Canada and many other Western countries, one can execute a Living Will setting forth one's wishes for end-of-life care. (This is entirely separate from a will one executes for disposing of one's assets after death.) The law in Mexico is that medical care must be given, and once it is commenced it cannot be stopped.

However, there are other options:

1. *Power of Attorney for Health Care ("Power")*. This type of Power grants authority to an individual of your choice to make health care decisions for you if you are unable to do so for yourself. At the present time, there are only three states in Mexico which can provide you with such a legally-binding Power that will remain in effect even if you become incapacitated (e.g., coma, mental incompetency) AND that will be legally recognized in all the states of Mexico. Those three states are Morelos, Mexico and Coahuila. If you have a Power issued in any of the other states of Mexico, such Power will become null and void upon your incapacity and therefore virtually worthless. The Power must be issued by a Notario in the States listed above.
2. *Living Will Issued in a Country Outside of Mexico*. (The following information applies to the United States only. Other countries have similar procedures in place, but you will need to check out the specifics.) You can have a Living Will prepared by an attorney in the United States, which will be automatically legally binding in all 50 states. To have such a Living Will recognized in Mexico, your signature on the document needs to be witnessed and notarized. It must then have attached to it an apostille, which is an international certification that the document is authentic and complete. (The witnessing, notarization and apostille procedures will be handled by the attorney's office.) You will then need to have the Living Will translated into Spanish by a certified translator in Mexico and authenticated by a Notario. Your Living Will will then be recognized in Mexico.
3. *Establish an On-Going Relationship with a Physician Where You Live in Mexico*. It is essential that your primary care physician in Mexico is aware of and in agreement with your wishes regarding your end-of-life care. Be sure that your physician has copies of either or both of the above documents.
4. *Carry a Copy of Your Living Will and/or Power With You at All Times*. It is important that you have these documents available in case of an accident or emergency when you are away from home. Lic. Sergio Macias has provided the following list of Notarios (Mexican attorneys who are authorized to certify documents as authentic and complete). These are suggestions offered for your convenience only, and you may of course select any other competent Notario.

DOMICILIO: JOSE VICENTE VILLEDA SUR #III, COLONIA CENTRO
TOLUCA, ESTADO DE MEXICO.
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NOTARIA 4 LIC. VICENTE LECHUGA
DOMICILIO: CALLE MATAMOROS SUR #219, COLONIA CENTRO
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NOTARIA 5 LIC. VICTOR MANUEL LECHUGA
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